

**TOWN COUNCIL  
REGULAR MEETING  
AUGUST 15, 2001**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:10 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark, Starkey (arrived 7:47 p.m.) and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3.7 Mayor Venis made a special presentation to Mary Delborella, Executive Director of the Old Davie School, and spoke about her successful efforts with the School in the building program, her pursuit of grants and efforts in running many community programs. He stated that Ms. Delborella was resigning to become a teacher and read the inscription on the plaque presented her on behalf of the Town.

**3. PRESENTATIONS**

**3.1 Representative Nan Rich**

Representative Rich spoke about the events in Tallahassee during the past session. She reported that her focus was on issues she felt were important to the community, and stated that she was a member of the Children and Families Committee, General Education Committee and the Health and Human Services Appropriations Committee. Representative Rich spoke about election reform and reported that many larger counties had decided to use the ATM style machines instead of scanners and asked for the residents support on this kind of machine. She did not feel that the teacher crisis was faced well by State government this year and the overcrowded classroom issue was not adequately addressed. Representative Rich spoke about tax cuts and the short fall on the budget for this year as a result of the downturn in the economy. She spoke about Education and Social Services being the first to experience cuts and added that the salary of teachers would be something she would be working diligently on in the coming year. Representative Rich stated that school readiness and childcare were going to be addressed in the upcoming session and stated that the reorganization bill contained many Statutes that were repealed. She spoke about the Florida Kid Care Program and was disappointed that the Governor vetoed this match program. Nursing home reform did not preserve rights of patients and was not truly devoted to the improvement of care in nursing homes which she felt needed to be readdressed. Reapportionment was mentioned and she advised that residents would be given an opportunity to speak to the Redistricting Committee about what was important to Broward County on October 1st at Bailey Hall. Representative Rich felt it was very important to protect the communities so that the County was not weakened by being split into other counties.

Councilmember Truex asked if Representative Rich would be available for a town hall meeting and advised of a resolution passed by Council supporting an upgrade in voting technology. He mentioned problems that the agrarian community was having in keeping their exemption and spoke about the water surcharge.

State Representative Jack Seiler spoke about annexation, asking for input before the meeting being held on August 16th. He stated that it was mandated that areas be annexed by 2010 and this process had not been easy. Representative Seiler advised that August 23rd

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would begin the Legislative Delegation meetings for issues in addition to annexation, so he asked that if there were any local bills with which he or Representative Rich could help, Council should let them know.

#### 3.2 Community Redevelopment Agency (CRA)

Neal Kalis, Chair, spoke about the old Winn Dixie site and felt that meetings with Mr. Shapiro had been productive and the site would be redeveloped. He spoke about the a joint venture discussion with Lennar Corporation. Mr. Kalis reported that the property was now vacant and a demolition permit would be forthcoming. He spoke about the Andrx expansion and indicated that the properties adjacent to the facility were being looked at. Mr. Kalis stated that the CRA planned to work with Andrx on this expansion, as this had been a tremendous addition to the Town. Mr. Kalis reported on the Walgreens site plan and stated that the Development Services Department had worked with the architect and the CRA to design a conceptual plan that met the intent and purpose of the Griffin Road Corridor District. He reported that the planned called for a two-story structure with multiple uses with the site plan coming before Council on September 19th. Mr. Kalis advised that the CRA had voted to approve the conceptual plan.

Mr. Kalis reported that the CRA had made an offer to purchase a site on Davie Road for a demonstration project. He added that the CRA had made offers to purchase lots in the eastside neighborhood and he felt an agreement would be reached. Mr. Kalis spoke about construction defect problems in four homes in this neighborhood and stated that a contractor had given estimates on the repair. He added that residents had been offered a shift fund program, subsidized by the CRA to accomplish this.

Mr. Kalis advised that the CRA's budget was being finalized and the loans from the Town had been repaid. He spoke about the recently funded improvements and those planned for the future. Mr. Kalis discussed widening sidewalks, a marketing plan for local businesses, the purchase of a lot on Davie Road, an anti-graffiti project and streetscape improvements on Orange Drive. He also spoke about a loan subsidy program for businesses that wanted to improve their property.

Councilmember Clark asked about the SHIP program and if there was an initial cost to owners to be involved in this program. Housing and Community Development Director Shirley Taylor-Prakelt spoke about this project and stated that there was no out of pocket expense to the homeowner.

Councilmember Clark asked about increased sidewalks for the eastside neighborhoods. Mr. Kalis indicated that there was no plan, but input was needed and added that lighting would also be pursued. He stated that in certain areas, decorative street lighting would be possible. Councilmember Clark stated that sidewalks would help in some areas where there was a traffic problem. She asked about the location of the four lots that the CRA had purchased. Mr. Kalis stated that the closings had not taken place and Redevelopment Coordinator Will Allen explained the locations indicating that two would be across from Potter Park.

Councilmember Truex asked about the site plan for Walgreens. Development Services Director Mark Kutney stated that the petitioner was asking for a conceptual approval as the site plan brought before Council in April had not been through the approval process.

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Mr. Allen stated that meetings had taken place with the South Florida Water Management District regarding the landscaping between Griffin Road and the Turnpike. It was decided that approximately 100 trees could be planted and Water Management District was now recommending approval. He added that the Florida Department of Transportation (FDOT) would supply an extra 300 trees to be placed elsewhere. There were to be two permits for the Davie Road bridge and FDOT had to design a staging area for heavy equipment access by the Water Management District. An existing permit to plant trees on the linear park from Davie Road to Flamingo Road and the bond issue were being sought for more improvements.

Vice-Mayor Paul asked if pond apple trees would be removed by FDOT and indicated that the tree should be protected. Mr. Allen stated that the Water Management District would insist that the exotic trees be removed from the linear park, probably over a period of time. He advised that there would be a meeting with Mr. Willi and the Water Management District regarding the value of the linear park and the importance of the trees would be explained to them at that time. Mayor Venis agreed that it would be important to take the trees out in phases.

Councilmember Truex felt an effort could be coordinated with the CRA for a rededication of the Griffin Road bridge.

#### **3.3 Name the Park - Dennis Andresky**

Parks and Recreation Director Dennis Andresky stated that the eight names had been selected for the new park at Pine Island for Council's consideration. After a brief discussion, it was decided that the park would be named "Davie Pine Island Park" and the sports complex would be "Robert H. Bamford Sports Complex at Davie Pine Island Park."

#### **3.4 Pine Island Park Update - Bruce Bernard**

Public Works/Capital Projects Director Bruce Bernard provided a final update, stating that all the design build features of the Davie Pine Island Park had been completed. He indicated that a written summary totaling the project would be given to Council in the next few weeks and added that the project was well within budget.

#### **3.5 Zoning in Progress - Mark Kutney**

Mr. Kutney reported that a project team had been conducting research for a land use inventory which would be completed before methods were discussed. He stated that he had met with the Davie Agricultural Advisory Board to discuss its vision related to ideas for preserving rural character as well as future directions also being discussed. Mr. Kutney suggested that workshops be held in October and recommended that a joint effort between Council and the Board would be very helpful.

#### **3.6 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej**

Mr. Andresky advised that upcoming parks and recreation events included the Eastside Community Center pot luck dinner (August 17th), adult and seniors ice cream social (September 14th), new hockey rinks were open at Pine Island Park, registration for fall in-line hockey program (program to begin October 20th), and dedication for the park (September 8th).

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Special Projects Director Bonnie Stafiej advised that upcoming events included: Project Stable Annual Horse Show (August 19th), bull riding (August 25th), and the Labor Day Family Splash and Country Craft Show (September 2nd).

3.7 Mary Del Barlow, Old Davie School  
This presentation was made earlier in the meeting.

Mayor Venis announced that item 7.5 had been withdrawn.

Councilmember Truex submitted a resolution from the Davie/Cooper City Chamber of Commerce requesting that the Economic Development Study not be invalidated. He advised that the Economic Development Council was also asking for the same. Councilmember Truex asked for this issue to be placed on a future agenda and felt that advanced notice was important. Mayor Venis stated that this was put on the agenda in error, as the study was not going to be invalidated. He explained that the new resolution would provide for a commitment to a new study.

Mayor Venis advised that item 8.1 was withdrawn by staff and item 12.4 needed to be added to the agenda.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to add item 12.4. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to add item 10.7. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey asked that item 7.6 be tabled. She advised that she had been approached by lobbyists to discuss several issues and she was concerned that there were numerous contracts for the Town for monthly fees totaling a great deal of money each month. Councilmember Starkey suggested looking at this issue with staff's recommendations before a decision was made. She indicated that she would like to hear what each firm had to offer and recommended that presentations be made at the next meeting.

Bernie Friedman, representative of Becker and Poliakoff, stated that this year's process was compressed due to reapportionment. His concern was that delaying this could negatively affect the Town in decisions that would be made, particularly in regard to annexation.

Mayor Venis asked that presentations be heard before the next budget hearing. Councilmember Truex asked that Council hear this issue at the September 19th meeting and discussed his opposition to having several lobbyists on retainer. He spoke about Erick's Consultants and their contract with the Town, stating that they should be given permission to work on issues until then, instead of hiring several lobbyist firms.

Councilmember Starkey stated that some of the contracts had now broadened their scope to greater projects and felt that if all lobbyists came before Council, they would have clear direction on projects. She indicated that she had requested this information and the answer was delayed by staff. Mr. Willi explained the dates and times of the request,

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indicating that the response had been returned to her in a timely manner. He advised that a three and a half day turnaround time for such a request was reasonable and apologized if she felt it was not.

Vice-Mayor Paul felt that some lobbyists were doing work in good faith, but the direction had not come before Council and she wondered if there was an overlap for some services. Mr. Willi indicated that it was best for these services to overlap to provide a more effective result. He spoke about the need for lobbyists in the past two years and the urgent need this year because of the earlier legislative session and the issues of reapportionment, annexation, redistricting and land acquisition. Mr. Willi advised that Councilmember Truex had asked for an hourly rate from those contracted and as a result, the lobbyists asked to make their own case to Council about the value of their services. Mr. Willi felt that if Council needed to hear from lobbyists, it should be soon.

Councilmember Clark spoke in support of Councilmember Starkey's request and agreed that she did not have time to go through such a large document directly before a Council meeting.

Councilmember Truex felt that some of the most important lobbying on some issues would come from Town politicians. He added that the Town had hired a competent firm in Erick's Consultants and felt that overlapping was a waste of money.

David Sigerson, representative of Erick's Consultants, spoke on the number of consultants hired by various municipalities. Councilmember Truex asked if Erick's Consultants would need the help of other lobbyists on various issues. Mr. Sigerson was not sure, but felt that there were some issues that were large, such as insurance reform. He recommended that the Town decide how many issues to pursue, then decide how many firms would need to be hired.

Councilmember Starkey made a motion, seconded by Councilmember Truex, to invite the lobbyists scheduled for services and to have them present at a special Council meeting to be set and publicly noticed. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Councilmember Truex, to table item 7.6. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that the next regular Council meeting had been rescheduled for September 6th.

#### **4. MAYOR/COUNCILMEMBER'S COMMENTS**

##### **MAYOR VENIS**

**WELCOME BACK.** Mayor Venis welcomed Councilmember Clark back.

**BUDGETWORKSHOP.** Mayor Venis advised that he had attended a meeting of the South Florida Water Management District on budget issues and he felt that the new director was on board with the Town. He advised that another meeting on drainage was being scheduled.

**TRAFFIC LIGHT ON SW 36TH STREET AND PINE ISLAND.** Mayor Venis stated that he received a request for a light at this intersection and explained that the Town was not in charge of deciding on or installing traffic lights. He advised that FDOT had completed its survey of the area and a light was warranted.

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**WASTE MANAGEMENT.** Mayor Venis stated that Park City West had an issue with a change in their Waste Management contract. He advised that he had met with Waste Management and effective October 1st, a waste reduction of 22% was decided upon. He added that franchise fees for the Town would not be affected.

**ASHE-BRIT SERVICE.** Mayor Venis asked Mr. Willi about this contract for waste removal in the event of a hurricane. Mr. Willi explained that it had to go out for RFP and would take 45 days. Mr. Bernard advised that today's meeting had been canceled and was rescheduled for August 29th.

**CHARTER SCHOOLS.** Mayor Venis spoke of a Charter School proposal discussed a few years ago that would have been located at the current Home Depot site. He explained the plans at that time included a check from Winn Dixie for \$4 million. A group had come to discuss the idea of a Charter School recently and he asked if Mr. Kutney had looked at the site. Mr. Willi responded negatively. Mayor Venis indicated that he did not want to wait on this and asked Mr. Willi to direct Mr. Kutney to look into this project. Councilmember Truex asked that this be added as a new item at a future Council meeting.

**BUDGET WORKSHOP.** Mayor Venis stated that the budget was presented and Council had suggested a number of changes and indicated that there was no reason for an operating millage increase. He indicated that this was the worst budget he had seen and he expected Mr. Willi to cut the budget. Mayor Venis stated that he found \$1.1 million in cuts and he did not appreciate Mr. Willi making comments to the newspapers on this issue.

**COUNCILMEMBER CLARK**

**THANK YOU.** Councilmember Clark thanked everyone for the well wishes for the new baby.

**61ST AVENUE PARK.** Councilmember Clark asked Mr. Willi for periodic updates on this project.

**STAFF MEMBERS LEAVING.** Councilmember Clark was sorry to hear about Planning and Zoning Manager Jeff Katims and Landscape Inspector Casey Lee leaving.

**DANGER OF HEAT STROKE.** Councilmember Clark spoke about the dangers of heat stroke during sports practice and other outdoor events. She asked if the youth football league season could be changed and suggested that the league play in late September or October.

**PANELIST.** Councilmember Clark spoke about being a panelist on a local radio talk show.

**BUDGET MEETING.** Councilmember Clark asked about some budget items and read a statement regarding public safety positions. She questioned the status of the 14 road patrol positions approved during 2000-2001 and the recent promotions. Councilmember Clark spoke about the terminal leave section of the police union contract and stated this stipulation was broken for officers who were recently hired. She asked for the answers to these issues to be in writing and for a copy of the memos from Police Chief John George to Budget and Finance Director Christopher Wallace regarding the promotions. Councilmember Clark also asked how these promotions were funded and how long terminal leave pay was being paid, while new officers were being paid as well. Her objection was that this created fewer road patrol slots and had a major impact on overtime for that department.

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**COUNCILMEMBER TRUEX**

**BUDGET MEETING.** Councilmember Truex was encouraged by the meeting and felt sure that the millage rate would not be increased. Tax cuts were seldom and he felt that taxes were not for the purpose of redistributing wealth. Councilmember Truex stated that taxes did not have to increase every year.

**AT&T BROADBAND.** Councilmember Truex spoke about the Pompano Beach resolution and asked for a report on what that city was doing on this problem.

**MEMO FROM METRO PCS.** Councilmember Truex spoke about a request to co-locate telecommunication devices. He felt it would be fair to invite representatives to speak under New Business, but indicated that he was not in favor or against.

**OLD DAVIES SCHOOL.** Councilmember Truex spoke about the School's termite problem with Mr. Bernard responding that these were not termites but flying ants and they were looking at eradicating them.

**ANNEXATION MEETING.** Councilmember Truex spoke about the Broward Legislative Delegation annexation meeting. He mentioned that many residents from the area south of Griffin Road were in attendance and he felt that the Town had much in common with these residents as their lifestyle fit with the Town.

**DAYSTAR.** Councilmember Truex asked Mr. Willi about the DayStar property with Mr. Willi indicating that staff was preparing an outline of what would be required, should they apply. Mr. Willi stated that a database was being kept of calls, but there was no pending business and they were not on the Planning and Zoning Board's agenda.

**COUNCILMEMBER STARKEY**

**DAYSTAR.** Councilmember Starkey stated that she had received many calls that DayStar was not a good fit in the area and that residents had pointed out that this was far removed from services that the homeless would benefit from. She advised that she would not support this change.

**LIGHT AT SW 36TH STREET.** Councilmember Starkey thanked Mayor Venis for getting this light.

**GOLF TOURNAMENTS.** Councilmember Starkey spoke about several fund raising tournaments in the area.

**AMERICAN CANCER SOCIETY AWARD.** Councilmember Starkey stated that she had received an award from the American Cancer Society and thanked the residents for bailing her out of "jail."

**COUNCIL REQUESTS.** Councilmember Starkey indicated that she would like a list of requests made to staff by Council.

**VICE-MAYOR PAUL**

**LIGHT AT FLAMINGO & 10TH.** Vice-Mayor Paul asked about this request made several meetings ago.

**BUDGET MEETING.** Vice-Mayor Paul felt confident that Mr. Willi and staff understood that Council did not want to raise taxes. She stated that the priorities that had been set were great, but another meeting for input would have been helpful and the process needed to be addressed.

**POST OFFICE ADDRESSES.** Vice-Mayor Paul stated that Ms. Stafiej worked to get the mail for the Town addressed to "Davie" instead of "Ft. Lauderdale."

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**HAZARDOUS WASTE DAY.** Vice-Mayor Paul spoke about a day designated for residents to safely dispose of their hazardous waste.

**HOMELESSSHELTER.** Vice-Mayor Paul felt that residents were very concerned with the possible shelter location and she had requested information about the organization. She stated that locating next to Flamingo Gardens was not an appropriate area as many children lived in that area. Mayor Venis stated that he heard that the City of Hollywood had received over 700 complaints about this organization.

**STORE-ALL.** Vice-Mayor Paul spoke about the development on Flamingo Road and Orange Drive and stated that legislation was passed to limit storage facilities. She added that there was discussion on a storage facility for this area which she was against and asked about its status. Mr. Willi stated that Store-All had asked about a vested rights determination which was granted, as that was what the Code directed. Vice-Mayor Paul was concerned that this would not be in the public's best interest.

Mr. Kiar spoke about the history of storage units in the B-3 zoning and stated that there was no prohibition against an amendment to B-3 and no request for a legal opinion concerning the affect of the ordinance on the property. He explained the basis for the vested rights determination; that there was no vested rights for this owner to put up a self-storage facility, stating that a determination did not need to be governed by the settlement agreement. Mr. Kiar explained that it was not until November 2000 that it was rezoned B-3 and had all along been agricultural, adding that there was no basis for vested rights.

Vice-Mayor Paul indicated that she was upset with Mr. Willi's decision to grant a vested rights determination. She stated that it was the responsibility of Council to consider the residents and not be maneuvered by the developer. She asked what legal recourse the Town now had. Mr. Kiar stated that Council could pass an ordinance revising the Land Development Code so that future decisions would come directly to Council as it currently was the Town Administrator's decision. Vice-Mayor Paul pointed out that this was a good example of the importance of tracking and she explained that she had no idea Mr. Willi would move forward with this after having been specifically asked about it, without coming back to Council. Mr. Willi opined that the Code should not be written as such. He referred to the videotape of the Council meeting, stating that it indicated that Council was in agreement to grant the vested right. It was on that basis that Council seemed to agree that this ordinance did not affect the property, that he granted the appeal. Discussion followed on who owned the land with Vice-Mayor Paul pointing out that vested rights did not go with the land.

**DAVIE BATTERY.** Vice-Mayor Paul stated that she had asked at the last meeting about the direction on this issue. She asked what action needed to be taken to get Davie Battery into this building and recommended not rehashing the issues, but that the Town needed to help businesses whenever possible.

Mr. Kutney advised that a meeting was held with Mr. Willi, Town Engineer Dan Arner, Mr. Kiar and himself to work out a solution. The correction would be found in a new site plan and a temporary certificate of occupancy would be issued. Along with this, Davie Battery would agree to hold the Town harmless in order to get a temporary certificate of occupancy.

Councilmember Truex asked if Davie Battery would need to agree to not have access to the back road until this was solved. Mr. Arner responded in the affirmative. Councilmember Truex asked if this could be solved as soon as possible so the business could



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open. Mr. Arner indicated that there would be traffic flow changes in the change in site plan with Mr. Kutney indicating that Mr. Arner had supplied Mr. Blankenship with suggestions. It would not be a full formal site plan and there would be three or four weeks time involved in the evaluation process.

Bob Bulfin, attorney for the landowner, advised that it was their prime objection to get the temporary certificate of occupancy. He stated that Mr. Blankenship, through easement agreements, would not waive his right to use the road and added that Mr. Blankenship did not claim ownership of the road. Mr. Bulfin stated that they would be happy to work with the Town as quickly as possible, and he commented on Section 12-374, adding that it was up to the Director of Development Services to determine whether a change would need to be made, or if it would be a nonmaterial modification. He felt it could move quickly through staff.

Mr. Kutney stated that the Town was not obligated to issue a temporary certificate of occupancy, but was making an offer. He felt that the changes would be material. Vice-Mayor Paul felt it was important for the Town to work with residents and business owners to assist them.

#### **5. TOWN ADMINISTRATOR'S COMMENTS**

**YOUNG AT ART.** Mr. Willi advised that additional property would be purchased to expand the site. County officials and the Young At Art had decided that the library building would precede the construction of Young At Art.

**GRANT DEADLINE.** Mr. Willi advised that the Town had met the deadline for the \$6.6 million wetlands grant application. A letter would be forthcoming that the application was received and a decision would be made in about five months.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT BUDGET MEETING.** Mr. Willi stated that the District was committed to solving the drainage problems in the C-11 basin. Funding had been set aside and the District was looking for supplements to that money. The District's director had committed to a meeting to settle the Griffin Road corridor landscaping.

**LAND PRESERVATION ADVISORY BOARD.** Mr. Willi advised that the Town would be making a presentation at the Board's August 16th meeting.

**AD-HOC COMMITTEE FOR ANNEXATION.** Mr. Willi advised that he had attended this meeting and the point was made that the Town was protecting the rights of residents, not the land.

**NOVA SOUTHEASTERN UNIVERSITY MASTER PLAN.** Mr. Willi stated that the area of 2,200 acres removed by recent legislation from concurrency regulations would result in a proposal that would come before Council to decide what the Town's partnership would be.

**BROWARD COUNTY TRANSIT.** Mr. Willi stated that the County would approve the minor changes the Town would like to make right away.

**PLANNING AND ZONING EMPLOYEES.** Mr. Willi introduced two new employees: Dwight Moore, Engineer II, and Vural Buyukozaturk, Planner III.

#### **6. TOWN ATTORNEY'S COMMENTS**

**FALCON'S LEA.** Mr. Kiar stated that an appraisal had been received and the road leading to the firehouse had an easement that no one could locate. The deed would enable the survey to be completed, and the Town could move forward with this purchase.

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**75 EAST & GRIFFIN ORANGE NORTH.** Mr. Kiar advised that there was discussion that Mr. Zimmerman would ask for a continuance until October; however, the judge decided to set it for December so the developer decided that it would not be continued. Mayor Venis asked if there would be a problem with him meeting with residents. He advised that one of the plaintiffs wanted to resolve this issue and asked Mr. Kiar to relay this to the judge. Vice-Mayor Paul recommended that Mr. Burke make a statement that an attempt had been made to meet with residents in an effort to come to an agreement. Mayor Venis asked if it would be helpful if he attended the hearing. Mr. Kiar did not think it would be beneficial.

**MALKA CASE.** Mr. Kiar stated that this seemed to be moving toward completion.

**CITRUS CANKER.** Mr. Kiar provided a history on the citrus canker issue. Vice-Mayor Paul stated that residents who had healthy trees within the 1,900 feet, had been given notice that cutting would begin within 30 days and asked if these residents should go to Palm Beach to file. Mr. Kiar agreed this would be best and the forms should have been included in the letter they received.

Vice-Mayor Paul asked about the Sunrise water issue and felt there was a stalling tactic. She asked if staff could take a look at this and questioned how to proceed from this point.

**7. CONSENT AGENDA**

*Minutes*

7.1 July 18, 2001 - Regular Meeting

*Home Occupational Licenses*

7.2 CrossWay Group, Inc., 13101 SW 16 Court

7.3 M.V.P. Builders, 11899 West Ridgeview Drive

*Resolutions*

7.4 **POLICY AND PROCEDURES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING SPEED TABLE POLICY AND PROCEDURES FOR RESIDENTIAL AREAS. (tabled from July 18, 2001)**  
R-2001-217

7.5 **ECONOMIC DEVELOPMENT STUDY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INVALIDATING THE ECONOMIC DEVELOPMENT STUDY PREPARED IN 1997 BY DAVID M. GRIFFITH AND ASSOCIATES. (tabled from July 18, 2001)**

7.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BECKER & POLIAKOFF, P.A. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES.**

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- 7.7      **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2001-218      **FLORIDA, APPROVING A SUBDIVISION PLAT TITLED, "HACIENDA  
SUBSTATION PLAT", AND AUTHORIZING THE MAYOR AND TOWN  
CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE  
MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND  
PROVIDING AN EFFECTIVE DATE. (P-4-01, 4900 Oakes Road)**

*Vested Rights Determination*

- 7.8      **Leto Estates No. 4, SW 130 Avenue and SW 25 Street**

*Site Plan*

- 7.9      **SP 6-3-01, Potter Park Community Center and Gymnasium, 4300 SW 57  
Terrace (ENSZD) Planning and Zoning Division recommended approval  
subject to the planning report; Site Plan Committee recommended approval  
subject to the planning report**

Vice-Mayor Paul asked that items 7.1 and 7.8 be removed from the Consent Agenda. Councilmember Starkey asked that items 7.4 and 7.9 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.1, 7.4, 7.8 and 7.9. In a voice vote, all voted in favor. (Motion carried 5-0)

7.1 Vice-Mayor Paul asked that more discussion be provided in the minutes on the 26th Street issue.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to table to September 6, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

7.4 Councilmember Clark spoke about past procedure and pointed out that the application included a fee of \$250 which she did not think should be imposed. Councilmember Truex felt that a fee would cut down on the number of applications and someone needed to pay for the time spent to go through this process, rather than the general taxpayer.

Mr. Arner stated that some municipalities required the petitioner to pay an application fee, hire a traffic engineer and pay for the study, as well. He explained the cost of installing speed humps. Councilmember Clark asked if it could be determined right away that a speed hump would not be appropriate, as the fee could not be refunded. Mr. Arner stated that those who had already made requests would not be charged an application fee.

Councilmember Clark requested that Council be advised of the status of requests. Mr. Arner agreed.

Councilmember Clark spoke about the time restraints for petitions and for staff's response. Mr. Arner stated that a reasonable time frame would be appropriate. Councilmember Clark asked if the Police Department could do part of the traffic study. Mr. Arner stated that in some cases, this would be possible but this was usually the County's responsibility.

Vice-Mayor Paul did not like the idea of an application fee. She stated that 70% were required to sign the petition and recommended going back to the 60% the Town was using. Mr. Arner felt 70% was more appropriate.

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Vice-Mayor Paul asked about the Town's criteria and how the traffic study results affected the decision to install a speed hump. Mr. Arner explained that staff looked at actual percentages of cars speeding, stating many speed hump requests were based on a perceptual problem, not an actual problem. Vice-Mayor Paul felt she would be dissuaded from pursuing this if she needed a speed hump in her area.

Councilmember Truex did not approve of speed humps and indicated that the main benefit was psychological. He indicated that he was okay with the policy, but referred to the number of studies and statistics that cited reasons they were not acceptable, including noise, limited access to the handicapped, accidents, and delaying the progress of emergency vehicles. Mr. Kutney indicated that although the policy may appear to be anti-resident, it was intended to prove scientifically that speed humps were warranted and to build consensus. Councilmember Clark spoke well of the policy, suggesting a pamphlet be prepared informing the residents of the procedure. Councilmember Truex suggested a disclaimer from the Town regarding the delay of emergency vehicles. He read the statement made by Fire Chief Don DiPetrillo and preferred including this with the application. Speed tables should only be considered when a serious need existed.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve the policy subject to adding one paragraph about the disclaimer and that the disclaimer would first meet the approval of the Town Attorney. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Vice-Mayor Paul asked why some vested rights came before Council and others did not. Mr. Kutney stated that in April, there were four of these issues and the concern was that these were existing plats which did not result in vested rights. Some points were raised and Council wanted to see these limited to subdivisions that the Town had.

Councilmember Clark suggested creating a policy so that Mr. Kiar did not have to decide each situation separately. Mr. Kutney stated that there were several ways to address this, including a board to review them.

Councilmember Truex asked for the legal criteria for vested rights. Mr. Kiar outlined the criteria which included a property owner acting in good faith, act or omission of the government, or that the owner had made such a substantial change in position or incurred much expense.

Gus Aguirre, representing the petitioner, stated that when the plat was done five years ago, it showed the lot area and easements and had been approved by Council. When the drawings were later reviewed and permits issued, the owner would need to spend \$250,000 for these improvements. The Planning and Zoning Division had advised that the lots would not meet today's criteria as the easements would not be part of the lot area. Mr. Aguirre stated that this indicated good faith of the owner and tremendous expense.

Angela Leto, representing the owner, referred to the house that was incomplete and indicated everything had been done as the Town required. She felt that the turnover of staff had caused the delays. Vandalism was occurring as the house seemed abandoned and her father was anxious to get the house completed. Ms. Leto spoke about the history of the project over the last five years.

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Mr. Kutney stated that a site plan was filed and the house that was underway was waiting as it was not known what would happen to the entire subdivision. Time limits on a site plan were required, but not on a plat, so the developer needed to remain vigilant. Mr. Aguirre indicated that permits had recently been issued on the entire site.

Mr. Kutney stated that the report indicated that the present landscape code was amended in 1996 and a site plan approval was not indicated in 1998. He needed to get the correct information and recommended that this item be tabled.

Councilmember Clark made a motion, seconded by Councilmember Truex, to table to September 6, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

7.9 Councilmember Clark asked if some issues on the gymnasium plans had been resolved at today's meeting. Mr. Willi indicated that he was not aware of a meeting.

Councilmember Clark asked if the interior walls would be solid block. Mr. Bernard replied in the affirmative and advised that a price was being sought for dry walling the office and the lobby's walls. Councilmember Clark was concerned about the appearance of the walls and did not want the building to look like an institution. Mr. Bernard stated that changes were discussed in the meeting, including the paint and trim colors. He added that this gym was larger than Pine Island Park and concessions were made in design for cost.

Chief George spoke about conduits in the boxing gym, fencing, hedging, a security system, air conditioning and drywall. Many of these ideas were learned from the construction of the new Police Department. Mr. Bernard stated that staff had visited the new gym in Tamarac and were advised to not use drywall because concrete block was more durable.

Ron Nelson, President of Police Athletic League of Davie, spoke about the changes and asked Council, to approve. He indicated that the appearance of an institution had been solved.

Councilmember Starkey asked why the decision was made to carpet which she recommended against. Chief George stated that carpet would only be in one room and would be for acoustical purposes. Councilmember Starkey recommended acoustical tiles on walls and ceilings and was told this would add cost to the project.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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**8. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on September 6, 2001)*

**8.1 WITHDRAWN BY STAFF**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 6-1-01) (tabled from July 18, 2001)

This item was withdrawn earlier in the meeting.

**8.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 1, 2001)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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- 8.3 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-01 Stirling Place, Inc., 6851 Stirling Road)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

**9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinance - Second and Final Reading*

- 2001-39 9.1 **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO BELL SOUTH CORPORATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (3801 South Pine Island Road)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

*Quasi Judicial Items*

- 9.2 **REZONING** - ZB 6-2-01, Miller, Legg & Associates, Inc./Town of Davie, 7575 Davie Road Extension (from RM-10 to RM-5) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Ms. Taylor-Prakelt spoke about the Harmony Village Redevelopment Plan for the construction of 22 homes to be built by Habitat for Humanity. She reported that the Town was setting a precedent and could be proud of this project.

Councilmember Starkey stated that she would like to see a Townwide initiative to assist with this project. Ms. Taylor-Prakelt advised that she had received community support.

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Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 9.3 **VARIANCE - V 6-1-01, Miller, Legg & Associates, Inc./Town of Davie, 7575 Davie Road Extension (from RM-10) (to reduce the required lot size from 7,000 square feet to a minimum of 5,310 square feet and a maximum of 6,774 square feet for 12 of the 22 platted lots and to reduce the required lot frontage from 75 feet to a minimum of 42.76 feet and a maximum of 71.37 feet for 16 of the 22 platted lots)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney stated that this was the companion variance for item 9.2 and summarized the staff report.

Ms. Taylor-Prakelt stated that this request was based on Phase I and they were not asking for anything different from what was asked for originally.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. No one spoke.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 9.4 **VARIANCE - V 4-1-01, Anthony-Sylvan Pools Corp./Adams, 13101 SW 16 Court (A-1) (to reduce the required side yard setback from 25 feet to 21.5 feet) (tabled from August 1, 2001)** *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Mayor Venis swore in the witnesses. Mr. Arner stated that he had reviewed the variance request with his chief inspector and recommended approval with the stipulation that there be a berm on the western side.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. No one spoke.

Dave Cotter, representing the petitioner, explained the history of this issue.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

**10. APPOINTMENTS**

- 10.1 Youth Advisory Board (one exclusive appointment - Mayor Venis; term expires April 2002)

Mayor Venis deferred his appointment.

- 10.2 Child Safety Board (one exclusive appointment - Councilmember Truex; term expires July 2002)

Councilmember Truex appointed Cynthia Frost.



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- 10.3 Open Space Advisory Committee (one exclusive appointment - Councilmember Clark; term expires July 2002)

Councilmember Clark appointed Joshua Feingold, contingent upon his acceptance.

- 10.4 Parks and Recreation Advisory Board (one exclusive appointment - Councilmembers Truex and Clark; terms expire August 2002)

Councilmember Truex deferred his appointment. Councilmember Clark appointed Pat Pecorino.

- 10.5 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)

Councilmember Clark deferred her appointment.

- 10.6 Joint Economic Development Committee (non-exclusive appointment of one Councilmember; term September 2001 to August 2002)

Council nominated and approved the appointment of Councilmember Truex.

Vice-Mayor Paul advised that she had appointed Dennis Devaugh to the Agricultural Advisory Board, however, he would be unable to be a member of that Board. She appointed Hilda Testa and indicated that Ms. Testa would vacate her position on Open Space Advisory Committee which left a vacancy. Vice-Mayor Paul asked for this to be put on the next agenda.

**11. OLD BUSINESS**

There was no old business discussed.

**12. NEW BUSINESS**

**12.1 Site Plan Committee/Sign Review**

Mr. Kutney stated that staff had researched this issue and was not able to find a Code requirement that required staff to take signs to the Site Plan Committee. He advised that staff was recommending that signs not be taken to the Committee.

Vice-Mayor Paul felt there should be appearance criteria in the staff review. Mr. Kutney stated that signs were now reviewed so that they would meet the setback, area requirement, height, and language and subjective determinations were not made. He felt this would be quite a project if Council wanted to develop an appearance criteria. Discussion followed regarding how signs would fit with the character of a neighborhood and sign packages at site plan that were able to be reviewed.

Councilmember Truex asked about language restrictions and added that if there was no Code, then signs legitimately could not be rejected, providing they met the setback, size and height requirements. Councilmembers Truex and Clark expressed concern that the Town should not be expending its limited resources on this issue.

Mayor Venis and Vice-Mayor Paul indicated that they would like staff to set a time frame for approving signs. Mr. Kutney advised that this criteria could not be established within three months time. He cautioned against having several sets of criteria for several

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different themes. Mayor Venis questioned what time frame Mr. Kutney was looking for. Mr. Kutney indicated that this was a large project and he needed to be at full staff. Vice-Mayor Paul suggested that other municipalities criteria be reviewed.

Councilmember Clark confirmed that until the criteria was prepared, staff would be reviewing the signs. Mayor Venis responded in the affirmative. Mr. Kutney added that if staff reviewed a sign that "peaked its interest as having some peculiar aspect," he would bring the plan before the Site Plan Committee and Council

#### 12.2 Waiver of Code Section 12-309(C)(5) which requires that the Planning and Zoning Board not consider a second request for variance within one year - Rick Case Honda, 15700 Pointe West Drive

Mr. Kutney explained the request and advised that staff was recommending denial.

Vice-Mayor Paul indicated that there was a policy in place and nothing prevented the petitioner from installing a temporary sign.

Bill Sander, representing the petitioner, explained that the request had not been submitted with the complete sign package from Honda. He indicated that the petitioner was not aware of everything that was required.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

#### 12.3 Council Agenda

This item was deferred.

#### 12.4 Street Vendor Ordinance

Mr. Kiar stated that he had reviewed ordinances from Aventura's, Coral Springs and Pembroke Pines. He indicated that the Town's counsel, Michael Burke, indicated that he thought an ordinance could be prepared for the next Council agenda. Mayor Venis advised that he thought this was an important issue as it had been worked on since the previous Town Attorney. Mr. Kiar stated that Mr. Burke had experience in this area and he thought an ordinance could be prepared that would be defensible.

Councilmember Truex asked what behavior would be regulated or prohibited. Mr. Kiar responded that the other cases often referred to studies involving traffic. Vice-Mayor Paul added that it was strictly a safety issue. Councilmember Truex indicated that he did not mind moving forward but he would like to see the statistics that street vending was dangerous.

Mr. Kiar advised that it might be necessary to retain a traffic expert to obtain the statistical material. He indicated that he had been in contact with Mr. Burke who was ready if Council wanted him to proceed. Council was in agreement with this direction.

Mike Bender advised that Dennis Mele's office had contacted him to schedule a meeting with the residents of Imagination Farms to come up with a settlement. He stated that he just found out that this issue was going to Court on August 16th. Mr. Bender asked if the judge ruled against the Town, could it be appealed. Mr. Kiar indicated that if there was a basis for appeal, it would go to West Palm Beach.

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Mr. Bender indicated that the property had not be zoned yet and questioned where it said that this exact commercial zoning had to be given. Mr. Kiar responded that this may be one of the arguments that was given; however, the plaintiff's position was that they were entitled to this zoning.

Vice-Mayor Paul suggested that Mr. Kiar advise Mr. Burke of the conversation between Mr. Bender and Mr. Mele and good faith was lacking.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:21 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk